

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUNIUS SILVA,

Plaintiff,

-against-

COUNTY OF SUFFOLK, et al.,

Defendants.

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**ORDER**

CV 05-325 (ERK) (ARL)

**LINDSAY, Magistrate Judge:**

By order dated January 31, 2007, District Judge Korman vacated the judgment of dismissal and referred this case to the undersigned for reconsideration of the recommendation that this case be dismissed for failure to prosecute. Upon reconsideration, the undersigned declines to recommend dismissal at this time and will afford the plaintiff a final opportunity to serve the complaint. Accordingly, the complaint shall be served by March 13, 2007 and the plaintiff shall file proof of such service with the court. The plaintiff is warned that a failure to comply with this order will lead to a recommendation that the case be dismissed for failure to prosecute.

Dated: Central Islip, New York  
February 13, 2007

**SO ORDERED:**

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/s/  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge